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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,804	11/12/2003	Dinesh C. Seksaria	02-3751 [370054-6]	6945

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ECKERT SEAMANS CHERIN & MELLOTT, LLC
ALCOA TECHNICAL CENTER
100 TECHNICAL DRIVE
ALCOA CENTER, PA 15069-0001

EXAMINER	
COLETTA, LORI L	

ART UNIT	PAPER NUMBER
3612	

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/706,804	SEKSARIA, DINESH C.	
	Examiner	Art Unit	
	Lori L. Coletta	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) *1-10,24-26 and 38-41* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11,12,16-21,23,27,28,32-35 and 37* is/are rejected.

7)☒ Claim(s) *13-15,22,29-31 and 36* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11122003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

In response to applicant's telephone inquiry of the one month shortened statutory period for reply for the last Office action, the following corrective action is taken.

The period for reply of **3 MONTHS** set in said Office Action is restarted to begin with the mailing date of this letter.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11, 16, 27, 28 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Shibuya et al. 5,727,827.

Regarding claim 11, Shibuya et al. '827 discloses a bumper system for a motor vehicle, comprising a bumper beam (2); and an energy-absorbing bracket (4) connected to the bumper beam (2) and adapted for connection to the motor vehicle (3), the bracket (1) comprising a hollow energy-absorbing body having a first end and a second end, the bracket body having a first cross section shape at the first end and transitioning to a second cross sectional shape at the second end in Figures 1 and 4.

Regarding claim 12, Shibuya et al. '827 discloses the bumper system, wherein the second cross sectional shape is different from the first cross sectional shape in Figure 4.

Regarding claim 16, Shibuya et al. '827 discloses the bumper system, further comprising opposing flanges (26) extending from the first end of the bracket body and defining a mouth opening receiving the bumper beam (2) in Figure 3.

Regarding claim 27, Shibuya et al. '827 discloses an energy-absorbing bracket (1) for use in a bumper system of a motor vehicle, comprising a hollow energy-absorbing body having a first end and a second end, the bracket body having a first cross sectional shape at the first end and transitioning to a second cross sectional shape at the second end for accommodating impact energy during a collision involving the motor vehicle.

Regarding claim 28, Shibuya et al. '827 discloses the energy-absorbing bracket (1), wherein the second cross section shape is different from the first cross sectional shape in Figure 4.

Regarding claim 32, Shibuya et al. '827 discloses the energy-absorbing bracket (1), further comprising opposing flanges (26) extending from the first end of the bracket body and defining a mouth opening receiving the bumper beam (2) in Figure 3.

3. Claims 34, 35 and 37 are rejected under 35 U.S.C. 102(a) as being anticipated by Yoshida et al. 2003/0227182.

Regarding claim 34, Yoshida et al. '182 discloses a pole impact protector for use in a bumper system of a motor vehicle, comprising a hollow body having a closed end defining an outward facing substantially concave surface adapted to accommodate impact energy resulting form a collision with a cylindrical object.

Regarding claim 35, Yoshida et al. '182 discloses the pole impact protector, the pole impact protector body comprising an open end opposite the closed end, and further comprising opposing flanges extending from the open end for mounting the pole impact protector to the bumper system.

Regarding claim 37, Yoshida et al. '182 discloses the pole impact protector, wherein the pole impact protector body is formed of aluminum or steel.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Shibuya et al. 5,727,827 in view of Tan et al. 6,308,999.

Regarding claim 17, Shibuya et al. '827 discloses the bumper system but does not show wherein the bumper beam has a generally Σ-shaped cross section defined by substantially parallel top and bottom walls connected by a rear wall, the generally Σ-shaped cross section at least partially filled with an impact-absorbing foam material.

Tan et al. '999 teaches a bumper beam has a generally Σ-shaped cross section (16) defined by substantially parallel top and bottom walls (18 and 20) connected by a rear wall (28, 30 and 32), the generally Σ-shaped cross section at least partially filled with an impact-absorbing foam material (14) in Figure 1.

Regarding claim 17, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bumper system of Shibuya with a bumper beam, as taught by Tan et al. '999, in order to allow the bumper beam to absorb low speed collisions without visible permanent damage.

6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibuya et al. 5,727,827 in view of Tan et al. 6,308,999 as applied to claim 17 above, and further in view of Glance 4,460,205.

Regarding claim 18, Shibuya et al. '827, as modified, discloses the bumper system but does not show wherein the bumper beam and bracket are formed of different materials.

Glance '205 teaches wherein the bumper beam (10) and bracket (20) are formed of different materials (column 2, lines 14-20 and 64-67).

Regarding claim 18, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bumper system of Shibuya et al. '82, as modified, with the bumper beam and bracket are formed of different materials, as taught by Glance '205, in order to provide an energy absorbing and damage resistant bumper system.

Regarding claim 19, Shibuya et al. '827, as modified, discloses the bumper system but does not show wherein the bumper beam and bracket are each formed of aluminum or steel.

Glance '205 teaches wherein the bumper beam (10) and bracket (20) are each formed of steel (column 2, lines 14-20 and 64-67).

Regarding claim 19, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bumper system of Shibuya et al. '827, as modified,

with the bumper beam and bracket are each formed steel, as taught by Glance '205, in order to provide an energy absorbing and damage resistant bumper system.

7. Claims 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibuya et al. 5,727,827 in view of Yoshida et al. 2003/0227182.

Regarding claim 20, Shibuya et al. '827 discloses the bumper system but does not show further comprising a pole impact protector connected to the bumper beam on an opposite side of the bumper beam from the bracket.

Yoshida et al. '182 teach a pole impact protector connected to the bumper beam on an opposite side of the bumper beam from the bracket.

Regarding claim 20, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bumper system of Shibuya et al. '827 with a pole impact protector connected to the bumper beam on an opposite side of the bumper beam from the bracket, as taught by Yoshida et al. '182, in order to deal with a local impact such as a pole collision.

Regarding claim 21, Shibuya et al. '827, as modified, discloses the bumper system wherein the pole impact protector comprises a hollow body defining an outward facing substantially concave surface adapted to accommodate impact energy resulting from a collision with a cylindrical object.

Regarding claim 23, Shibuya et al. '827, as modified, discloses the bumper system wherein the pole impact protector body is formed of aluminum or steel [0011].

8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibuya et al. 5,727,827 in view of Glance 4,460,205.

Regarding claim 33, Shibuya et al. '827 discloses the energy-absorbing bracket (1) but does not show wherein the bracket body is formed of aluminum or steel.

Glance '205 a steel mounting bracket (20).

Regarding claim 33, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the energy-absorbing bracket of Shibuya et al. '827 out of steel, as taught by Glance '205, in order to provide a rigid bracket.

Allowable Subject Matter

9. Claims 13-15, 22, 29-31 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other bumper systems similar to that of the current invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614. The examiner can normally be reached on Monday-Friday 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lori L. Coletta

Lori L. Coletta
Primary Examiner
Art Unit 3612

llc
September 30, 2004